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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/616,582
Filing Date: July 09, 2003
Appellant(s): RAFFAELE ET AL.

Robert Popa
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/5/2009 appealing from the Office action mailed 8/4/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,206,844 B2	Gupta et al.	4-2007
6,854,016 B1	Kraenzel et al.	2-2005
2001/0045451 A1	Tan	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US Patent 7,206,844 B2) in view of Kraenzel et al. (US Patent 6,854,016 B1)

As per claim 1, Gupta teaches "A process for executing a downloadable service with specific access rights to at least one profile file in a user's computer, said computer

comprising a web browser communication to the Internet or intranet via a first communication port and socket," (see Abstract, column 5 lines 35-46, column 5 line 56 – column 6 line 27)

said process comprising: arranging a confined run time environment (column 10 line 66 – column 11 line 11, column 13 lines 15-25, lines 34-53, column 17 lines 41-60, wherein the client executes application software by sending requests to the webtop server and executing proxy services) which is assigned a second communication port and socket (Figure 3 reference 320, Figure 4A and 4B reference 408, 418, 428, column 6 lines 48-67, column 7 lines 1-8, column 10 lines 32-53, column 10 line 66 – column 11 line 28, column 17 line 41 – column 18 line 13, wherein a webtop server can establish proxy services to satisfy a sandbox security scheme, the proxy service forwards service requests and responses) and provided with restricted access to at least one profile file; (column 7 lines 16-28, column 12 line 45 – column 13 line 32, column 20 lines 19-29, wherein a client profile is stored in a local webtop server connected to a client that is accessed by the webtop server, the profile determining accessible services)

downloading said service through said second communication port so that it is received by said confined run time environment; (column 6 lines 11-27, column 10 lines 32-53, column 19 lines 24-57, wherein applets and application software is received by a webtop server)

and executing said service within said confined run time environment whereby said service is given restricted access to said at least one profile file. (column 10 line 66 – column 11 line 11, column 13 lines 34-54, column 16 lines 9-19, column 17 lines 61 –

14, wherein a webtop server installs application software based on the client executing application software)

Gupta does not teach profile file that is located on the user's computer;

Kraenzel teaches profile file that is located on the user's computer; (column 12 line 66 – column 13 line 35, column 18 lines 32-67, wherein a profile file resides in a client that is accessed when executing downloaded files)

It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Gupta's method of establishing a webtop server connected to a client to execute downloadable services based on profile information with Kraenzel's method of storing profile information on a client computer. This gives the user the benefit of making the process of transferring and executing downloaded files more secure, since client information resides on the client, and allows for customizability based on profile information on the client. The motivation for doing so would be to provide a level of security and stability when downloading code from remote sources (column 2 lines 7-19)

As per claim 2, Gupta teaches "said confined run time environment is an extended sandbox having restrictive access to said at least one profile file." (column 13 lines 10-25)

As per claim 3, Gupta teaches "the service is downloaded under the form of a set of java code containing class structures packaged within a signed archive file; the service comprising: remote Internet data, a list of requested data that are needed to

personalise the service, and code to sort remote Internet data using requested accessible data.” (column 13 lines 34-57, column 44-60, column 15 lines 32-53)

As per claim 16, Gupta teaches “A process for executing a downloadable service with specific access rights to at least one profile file in a user's computer, said computer comprising a web browser communication to the Internet or intranet via a first communication port and socket,” (see Abstract, column 5 lines 35-46, column 5 line 56 – column 6 line 27)

said process comprising: arranging a confined run time environment in said user's computer, (column 10 line 66 – column 11 line 11, column 13 lines 15-25, lines 34-53, column 17 lines 41-60, wherein the client executes application software by sending requests to the webtop server and executing proxy services) said confined run time environment being assigned a second communication port and socket (Figure 3 reference 320, Figure 4A and 4B reference 408, 418, 428, column 6 lines 48-67, column 7 lines 1-8, column 10 lines 32-53, column 10 line 66 – column 11 line 28, column 17 line 41 – column 18 line 13, wherein a webtop server can establish proxy services to satisfy a sandbox security scheme, the proxy service forwards service requests and responses) and provided with restricted access to at least one profile file that is located on the user's computer; (column 7 lines 16-28, column 12 line 45 – column 13 line 32, column 20 lines 19-29, wherein a client profile is stored in a local webtop server connected to a client that is accessed by the webtop server, the profile determining accessible services)

"downloading said service through said second communication port so that it is received by said confined run time environment;" (column 6 lines 11-27, column 10 lines 32-53, column 19 lines 24-57, wherein applets and application software is received by a webtop server)

and executing said service within said confined run time environment whereby said service is given restricted access to said at least one profile file. (column 10 line 66 – column 11 line 11, column 13 lines 34-54, column 16 lines 9-19, column 17 lines 61 – 14, wherein a webtop server installs application software based on the client executing application software)

Gupta does not teach a profile file that is located on the user's computer;

Kraenzel teaches a profile file that is located on the user's computer; (column 12 line 66 – column 13 line 35, column 18 lines 32-67, wherein a profile file resides in a client that is accessed when executing downloaded files)

It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Gupta's method of establishing a webtop server connected to a client to execute downloadable services based on profile information with Kraenzel's method of storing profile information on a client computer. This gives the user the benefit of making the process of transferring and executing downloaded files more secure, since client information resides on the client, and allows for customizability based on profile information on the client. The motivation for doing so would be to provide a level of security and stability when downloading code from remote sources (column 2 lines 7-19)

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (US Patent 7,206,844 B2) in view of Kraenzel et al. (US Patent 6,708,221 B1) and further in view of Tan (US Publication 2001/0045451 A1)

As per claim 12, Gupta in combination with Kraenzel discloses the claimed subject matter in claim 1 above. Gupta in combination with Kraenzel does not teach "said downloadable service is an authentication service cooperating with a smart card."

Tan teaches "said downloadable service is an authentication service cooperating with a smart card." (Abstract, paragraph 0010, 0026, 0028, wherein the execution of downloaded service by a client is authentication using a smart card). It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Gupta's and Kraenzel's combined method of remote execution of services from a server based on profile information with Tan's ability to authenticate a user's identity using data in a smart card. This gives the user the benefit of portability when trying to securely access services remotely. The motivation for doing so would be to provide a more robust security system when a user utilizes the Internet to access secure data by improving management of access to web servers (paragraph 0005, 0007).

Response to Arguments

Applicant's arguments, see page 4, filed 5/5/2008, with respect to the rejection of claims 1-3, 12, 13, 15, and 16 in regards to 35 USC 103(a) have been fully considered but they are not persuasive.

- a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

- b. Applicant's arguments is stated as Gupta in view of Kraenzel does not disclose "arranging a confined run time environment which is assigned a second communication port and socket".

In regards to this argument, Examiner respectfully disagrees. As interpreted by the examiner, the claim language of "arranging a confined run time environment in said user's computer" is read to mean that a confined run time environment is set up and organized by actions executed in the client computer. As stated in the above rejection, Gupta, in column 10 line 66 – column 11 line 11, column 13 lines 15-25, lines 34-53, column 17 lines 41-60 teaches that the client executes application software by sending requests to the webtop server and executing proxy services. As shown in Figure 4A and 4B, the webtop server, which executes and processes the application request, is part of a network of

sites containing clients, and is accessed through a client tier. As seen in the cited figures, the webtop server and client work in a partnership on one side to access application servers, and the client as cited arranges for the webtop server to retrieve and store program software from application server, to be executed in a client (column 13 lines 34-54). Therefore, Gupta teaches arranging a confined run time environment.

Additionally, Gupta, in the above rejection, and specifically in column 7 lines 1-8 and column 17 line 41 – column 18 line 13 teaches that the application requests from a client is processed through a proxy, wherein a proxy's handle that is created by the webtop server, is utilized to specifically process a specific service. The proxy service is utilized by the system to determine forwarding and filtering of requests between the clients and webtop servers, and the application servers containing applications to be executed. The established proxy services satisfies a sandbox security scheme, the proxy service forwarding service requests and responses. As disclosed in column 10 lines 33-58, the link between a webtop server and the application server transfer data in specific channels of communications link, as determined by different protocols. Therefore, Gupta teaches assigning a second communication port and socket.

c. Applicant's arguments is stated as Gupta in view of Kraenzel does not disclose restricted access to the user's profile.

In regards to this argument, Examiner respectfully disagrees. Gupta, in column 7 lines 16-28, column 12 line 45 – column 13 line 32, column 20 lines 19-29, teaches a client profile is stored in a local webtop server connected to a client that is accessed by the webtop server, the profile determining accessible services. Particularly, column 12 line 45 – column 13 line 32 teaches that a login service logs in a client and creates a cookie to track the client session, the cookie created and stored in the client computer that determine if the client has access to an application or network service. This is accomplished by sent by an applet once the user identity is determined. As disclosed in column 18 lines 6-13, the credential certificate used to verify the client allows access to multiple applications and network services, provided the client can access those application and network services. The security features of the system is further disclosed in column 20 lines 19-34, wherein an applet is determined to be trusted or untrusted, and it is determined how much access an application being executed on a webtop server has to the computer resources. Therefore, Gupta in view of Kraenzel teaches restricted access to the user's profile.

- d. Applicant's arguments is stated as Gupta in view of Kraenzel does not disclose "executing said service within said confined run time environment whereby said service is given restricted access to said at least one profile file"

In regards to this argument, Examiner respectfully disagrees. Gupta, in column 10 line 66 – column 11 line 11, column 13 lines 34-54, column 16 lines 9-

19, column 17 lines 61 – 14, teaches that a webtop server installs application software based on the request of a client executing application software. Particularly, Gupta in column 10 line 66 – column 11 line 11, teaches that the webtop server stores and caches application data that a client utilizes, the client fetching application applets that is executed for the web service. As stated above, the client sets up a confined runtime environment in the webtop server, which is in contact with application servers containing application data. As further stated in column 13 lines 34-54, the application software that is determined to be safe in a webtop server is then downloaded to the client to be executed. Therefore, Gupta teaches executing said service within said confined run time environment whereby said service is given restricted access to said at least one profile file.

e. Applicant's arguments is stated as Gupta in view of Kraenzel does not disclose that a profile file that is located on a user's computer, because the motivation for combining the references is based on hindsight and there is no motivation to combine the two references

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed

invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation can be found in the prior art of Kraenzel, column 2 lines 7-19, wherein permission and authorization is utilized for code and applets downloaded online, as the user profile found in the clients of Kraenzel is applied to the applet distribution system of Gupta. As further stated in Gupta, column 4 lines 8-21, there is a need to ensure that code downloaded from another source does not corrupt the client, and security measures are needed.

(10) Response to Argument

With respect to the outstanding 35 U.S.C. 103(a) rejections relating to claims 1-3 and 16, Applicants argue that Gupta (US Patent 7,206,844) in view of Kraenzel et al (US Patent 6,854,016) does not teach "a confined runtime environment" utilized to

execute a downloadable service with specific access rights because "webtop server" as taught by Gupta in column 10 line 66 – column 11 line 11 and column 13 lines 15-53 does not arrange a confined runtime environment in the client machine.

The examiner respectfully disagrees with appellant's arguments. The examiner respectfully submits that the argument set forth in page 9 of the Appeal Brief, that "the webtop server that provides the equivalent of a confined runtime environment, not the client machine", is not disclosed in the claim language of the instant application, which does not specify where a confined runtime environment is arranged and stored. The independent claims 1 and 16, as interpreted by the Examiner, discloses a limitation to arrange a confined runtime environment in a system. As disclosed by Gupta in Figure 4A reference 406, 416, and 426 and column 11 lines 28-51, the webtop server and clients are in the same site and communicate with Application Servers (Figure 4A reference 402) that provide services. The process for a client to securely access services stored in an application server is by arranging a confined environment in a webtop server, as disclosed in column 10 line 66 - column 11 line 11:

"Webtop server 308 caches data and applets for use by a client. Initially, webtop server 308 is empty without any information maintained. When a client accesses an application for the first time, webtop server 308 retrieves and stores the program software from application server 310. Subsequent requests for the application software can be satisfied using the program software stored in webtop server 308. Where the program software is written as Java applets, webtop server 308 becomes the applet-host once the applets are transferred from application server 310. Thus, when the applet is executed on the client, the applet can communicate back to webtop server 308 as the host of that applet thereby satisfying the sandbox security paradigm."

As interpreted by the Examiner, it is the webtop server that arranges a confined runtime environment for a client. As set forth by Gupta, the webtop server works with a

client computer, both of which can be located in the same site, to access web services provided by a remote application server. The argument set forth in page 10 of the Appeal Brief is stated by the applicant "that Gupta requires at least two machines (client and webtop server) to provide a confined runtime environment - whereas the present invention provides such a confined runtime environment solely on the user's computer". This argument seems to be a broad reading of the independent claims 1 and 16, as nowhere in the claims is it stated where a confined runtime environment is stored and executed, as well as specifying that the confined runtime environment is limited to one machine. The claims of the instant application merely state "arranging a confined runtime environment" in independent claim 1 and "arranging a confined runtime environment in said user's computer" in independent claim 16, which is interpreted by the examiner to mean that a client arranges and sets up a confined run time environment for the secure access to downloadable services by a client (column 6 line 48 - column 7 line 28). The downloadable services to be executed is not specifically disclosed in the claims of the instant application to come from a specific source, whereas Gupta discloses that the downloadable service comes from an application server, which communicates with a remote webtop server and client to provide secure access to services. The prior art of Gupta discloses that proxy services acts as a proxy to arrange secure access to services stored in application servers to clients (column 17 line 41 - column 18 line 12), and discloses the limitation of arranging a confined run time environment.

As to the argument that the Examiner does not disclose assigning a second communication port and socket to a confined run time environment, Examiner respectfully disagrees. As disclosed above, Gupta teaches that a client is able to arrange for a confined run time environment to be executed on a webtop server. Once the webtop server is established as a proxy, it establishes communication links between the webtop server and the application server containing the services to be downloaded and executed, the communication link utilizing both the Hypertext Transmission Protocol (HTTP) and Remote Method Invocation (RMI) (column 10 lines 32-58). As is commonly known in the art, HTTP is a protocol used to request and transmit files, especially web pages and webpage components, over the Internet or other computer network, and accomplished this by establishing a connection to a particular port on a host. The socket referred to in the claim language is interpreted to be the commonly known definition of an internet socket, which is the endpoint as established by a combination of the IP address and the port number, as shown in the HTTP protocol. Nowhere in the claims or the specification of the instant application is the communication port and socket given any special meaning beyond the HTTP address to establish communication between clients and servers as is commonly understood in the art. As interpreted by the Examiner, the limitation of "assigning a second communication port and socket" means that a specific, secure communication link is established between a user and application servers, which is disclosed by the webtop server. The webtop server acts as a secure proxy to establish communication between clients and application servers containing

services (column 17 line 61 - column 18 line 5). Therefore, Gupta discloses assigning a second communication port and socket to a confined run time environment.

As to the argument that Gupta does not teach that the webtop server, previously disclosed as containing a confined run time environment, has restricted access to a user's profile, Examiner respectfully disagrees. As specifically disclosed in Figure 5 reference 514D and column 12 lines 46-53, the system of Gupta is able to utilize profile information stored in the webtop server to provide access to services stored in the application server. In particular, profile information contains client identification, its limitations, and its communication protocols.

"In one or more embodiments of the invention, a login service (e.g., login service 514C) runs on webtop server 308 to log in a client and verify the client's login information (e.g., login identification and password). Login service 514C can further create a cookie to track the client session. A cookie is, for example, an item or items of information that is stored on the client and accessed by software that is running on the client (e.g., a browser). A cookie is typically stored as a text file, however, it can be retained using other storage mechanisms.

In one or more embodiments of the invention, login service 514C maintains, on webtop server 308, the client's profile that contains information about the client. Profile service 514D examines the profile to obtain information about the client. For example, profile service 514D can examine a client's profile to determine whether the client is able to connect to other systems on the network from an applet which is downloaded from webtop server 308. This occurs when, for example, the client trusts webtop server 308 as a trusted server. A client's profile can further include, for example, an identification of the protocols (e.g., RMI) supported by the client." (column 12 line 55 – column 13 line 9)

As the passage above discloses, the webtop server contains profile information to a user once a user is identified, to provide a secure communication link with an application server containing downloadable services. Nowhere in the claims of the instant application is it specified what is done to the profile file once restricted access is granted to a confined run time environment embodied in the webtop server, rather all

that is needed is secure access to a profile file containing user profile information. The prior art of Gupta is combined with the prior art of Kraenzel to disclose the limitation of the profile file to be accessed is stored in the client computer, rather than in a linked webtop server providing a confined run time environment in communication with an application server. As disclosed by Kraenzel in column 12 line 66 – column 13 line 35, a client computer contains profile and user information to be utilized in securely accessing services on a remote server. The ability of Kraenzel to store profile information is client computers is combined with the system of Gupta that provides secure access to services stored in a web server through a webtop server to disclose the limitations of the claims. The argument that the service is being executed on the webtop server is entirely the point, as it is established above that the reading of the claims in the instant application does not provide for a specific location for a confined run time environment. The limitations of the claims in the instant application states the downloading and execution of the service at a confined run time environment and providing secure access to a profile file, which is disclosed by Gupta in view of Kraenzel.

The argument that there is no motivation to combine the prior art of Gupta and Kraenzel, Examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed.

Cir. 1992). The argument put forth in page 15 of the Appeal Brief states that there is no reason to combine the prior art, since there reason or connection to combine the two prior arts. Gupta teaches that a user on a client computer must log on to the system to access services (column 12 lines 55-64), and once a user logs on, profile information in the webtop server is accessed based on the login information. The prior art of Kraenzel teaches that a user on a client computer logs in and utilizes profile and configuration information stored in a client to access services. What is being disclosed by the limitation is that the profile information in Gupta be stored at a client level when a user accesses services stored at an application server. A person of ordinary skill in the art at the time the invention was made could be motivated to store the profile file in the client computer to be able to better determine who has access rights to the client machine, as disclosed by Kraenzel in column 2 lines 7-19. The motivation to combine the prior art does not have to be of the same purpose presented in the specification of the instant application, but rather is based on the motivation a person of ordinary skill in the art would have to initiate the combination. The question put forth states that there is no connection between user profile and security measures, as disclosed in page 15 of the Appeal Brief, yet it is commonly known that user profile information has many, varied uses in the field of secure database access, and to utilize profile information to provide customized information to a user based on profile information. The benefit of having profile information stored in a client computer as opposed to a webtop server is that a user is given an added layer of security, as profile information cannot then be accessed

on webtop servers. This is useful if a user is assigned a permanent client machine.

Therefore, the motivation to combine Gupta in view of Kraenzel is present.

Independent claim 16 and dependent claims 2 and 3 are rejected under similar grounds presented in the above arguments.

With respect to the outstanding 35 U.S.C. 103(a) rejections relating to claims 12, Applicants argue that Gupta (US Patent 7,206,844) in view of Kraenzel et al (US Patent 6,854,016) and further in view of Tan (US Publication 2001/0045451) does not teach the limitations based on arguments pertaining independent claim 1, Examiner respectfully points to the above arguments regarding independent claim 1, and stands rejected.

Conclusion:

It is respectfully submitted that a combination of the references cited discloses the claimed process for executing downloadable service with specific access rights to a profile file through a confined run time environment. In light of the forgoing arguments, the examiner respectfully requests the honorable board of Appeals and Interferences to sustain the rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/Dangelino Gortayo/

Dangelino Gortayo, Assistant Examiner, AU 2168

9/17/2009

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